



Town of New Paltz Planning Board  
Regular Meeting of Monday, **March 11, 2024**  
7:00 PM In Person  
Town of New Paltz Courthouse  
59 N. Putt Corners Road, New Paltz, NY

## **APPROVED MINUTES**

**Present:** Chair, Adele Ruger, Lyle Nolan (Deputy Chair), Matt DiDonna, Adrian Capulli, Lauren McPadden, and Jennifer Welles

**Also present:** Jane Schanberg attended via Zoom (Board Member)  
Carlito Holt attended via Zoom (Planning Board Traffic Consultant)  
Ashley Torre (Planning Board Attorney)  
Andrew Willingham (Planning Board Engineer)  
Mark Carabetta (Town Wetland Inspector)  
Kurt Sutherland (Town Architect)

### **Administrative Business**

A motion to approve the minutes of the February 26, 2024 meeting, was moved by Mr. DiDonna and seconded by the Deputy-Chair with no further discussion and all voting in favor.

A quorum check for the March 25 meeting was made with all in attendance indicating their availability except Mr. DiDonna.

Mr. DiDonna moved a motion to establish an escrow for the Deedwaniya Subdivision application in the amount of \$8,000, with a replenishment level of \$2,000. The motion was seconded by Ms. Welles with further discussion and all voting in favor.

### **Public Comment**

The Chair asked if there was anyone in attendance wishing to make a public comment and there was none.

### **Public Hearing (continued)**

Mohonk Brook Farmhouse Rehabilitation Project  
PB22-423 Lenape Lane/Butterville Road SBL: 86.1-1-40.121

A motion to adjourn the public hearing to March 25 was moved by Mr. DiDonna and seconded by Ms. Welles and all voting in favor with no further discussion.

## **Application Review**

SUBDIVISION            NEW  
PB24-038 SHARAD DEEDWANIYA

Location: 203 S. Ohioville Road  
Zoning District: A1-5

Applicant: A&S Construction Co.  
SBL: 86.20-1-9.112

Dan Koehler from Hudson Land Design appeared before the board with the owner, Sharad Deedwaniya. This proposal includes a new town road that would loop in off of and back onto S. Ohioville Road. The property had been mined for sand in the past. There are existing man-made slopes on the property, which the applicant will try to make appropriate elevation changes between the road and the lot so they may have to do some grading. The applicant acknowledged the town code's steep slope requirements. There are potential stormwater management areas on the site. There are three areas where the back of the parcel drains down towards the NYS Thruway. There is a wetland that was delineated some time ago and may become part of the state wetland which is across the street from the parcel. The 100-foot buffer on that wetland is shown on the site map. They've added a 50-foot deed restricted area to maintain the trees by the Thruway.

Mr. Willingham stated the wetland inspector needs to look at the onsite wetlands and the applicant should put notes on the plan indicating who delineated the wetland. The proposal requires a full stormwater pollution prevention plan, and recommends a stormwater district be established. The applicant will require a steep slope permit. A cluster plan was provided but some of the town code requirements were not met, such as 50% open space and 150-foot distance from a lot to the adjacent property. A narrative specific to the cluster plan must be provided. The Chair emphasized to the applicant that the cluster plan must be to the code, even if they have to lose a house.

Mr. Willingham told Mr. Koehler they should verify whether the wetland across the street is DEC regulated. The applicants should speak with the town highway department about road specifications and make sure they are OK with the intersection locations and site distance measurements. They applicant should show the soil testing on the subdivision plans. The lots should be graded in accordance to the code showing the limit of disturbance. The EAF needed some updates and also indicated that it's archaeologically sensitive. The applicant also needs to apply for waivers of any subdivision codes and indicate that on the maps.

Mr. Carabetta told the applicant he would like to inspect the property as soon as possible because of the potential for vernal pools at this time of year.

The Deputy-Chair suggested a site visit by the board, Mr. Koehler stated that first he'd like to do some of the required testing done and clear some of the existing paths on the site to get a better feel for the property. The first or second week of April would be a better time.

Mr. Koehler said the owner also owns a small vacant parcel adjacent to the proposed site which may be used to put a house up to generate interest in the development. Its location doesn't help out with the geometry of any of the lots.

Ms. Torre noted as per Mr. Willingham's review there were some items in the EAF that needed to be updated, and in question 2, the applicant needs to include all other involved agencies. Also, question 3C asks for "all acreage applicant owns" and that should include that adjacent parcel. And if you were to do anything on that parcel, for purposes of SEQR, consider any impacts that might be on that development, just to consider any impacts that might be on that development as well, to avoid segmentation, stating what your intent is for that parcel either now or in the future.

A motion was moved to type the proposed plan as an unlisted action by Mr. DiDonna and seconded by Mr. Capulli with all voting in favor and no further discussion.

A motion to declare intent to be lead agency was moved by Mr. DiDonna and seconded by Ms. McPadden with all voting in favor and no further discussion.

Mr. Carabetta told the applicant that if the property was delineated more than five years ago, it will have to be delineated again before he can go out there and verify.

#### SITE PLAN/SPECIAL USE APPLICATION

PB22-423 MOHONK BROOK FARMHOUSE REHAB

Location: Lenape Lane/Butterville Road      Applicant: The Mohonk Preserve  
Zoning District: A-3      SBL: 86.1-1-40.121

Ryan Weitz of Barton & Loguidice and attorney Mike Moriello appeared before the board. Mr. Weitz went over the updates submitted to the board. The Chair asked when the letter of resolution will come back from SHPO. Mr. Weitz said the process is led by NYSRDA or DEC. The contents of the letter are as suggested by SHPO. Section 1409 states SHPO cannot take the lead on the drafting or the review of the letter of resolution. It has to be one of the undertaking state agencies, so that is going to be dependent NYSRDA and DEC's schedules.

Mr. Willingham listed some of the permits which could be included in a resolution as potential conditions of approval, like septic approval, DEC wetland disturbance permit, letter of resolution board review, and a retaining wall design.

Mr. Carabetta reviewed the applicant's submitted maintenance plan for buffer areas and found it was adaptive so if something doesn't go right with the reestablishment of the buffer, they can make changes and replace plants and take corrective action. There need to be some condition in the approval that this process needs to be overseen over time.

Mr. Willingham was authorized to draft the Parts 2 and 3 of the EAF. While considering a motion to authorize the attorney to draft a resolution of approval, the Chair stated she "would like to get some these letters back." Mr. Weitz asked for the board's thoughts with that process, whether that's going to need to be finalized for any action by the board or if it's something that seeing the comments received from SHPO, there's a formality to it of course, and there might be changes, but all of the recommended mitigation by SHPO have been incorporated into the letter of resolution, so there might be some minor modifications. Mr. Weitz doesn't anticipate anything

substantiative to change, but more so a formality of going through their process an execution. Being unsure of their timeline frankly and they want to get the wetland application in. In order to submit the wetland application they need a SEQR resolution record of decision so that just some items there, just that they'd like to understand.

The Chair said the board can do the SEQR without having the resolution. Ms. Torre agreed and added there are other things relying on those mitigations that are in the proposed letter of resolution. Mr. Moriello asked if a short negative declaration would be prepared and Ms. Torre said "yes, based on part two."

Mr. Weitz is also waiting for Ulster County Planning Board's response. Everything else they have requested be a condition of approval prior to signature of the site plans. That would be the DEC, the DEC wetland adjacent area permit, so we'll submit that once we have the SEQR record of decision, Ulster County Department of Health approval. Once they are able to get out there once the winter season has completed so they can test the fill that was placed for perk tests. Ulster County DOH approval for the permit would be submitted and they would get their approval back and then submit those permits before the site plan was executed. Mr. Willingham said those permits have a low probability of having any real change, septic design or DEC permit. Ms. Torre said the project needed to be referred to the town's Environmental Conservation Board for comments.

Deputy-Chair Nolan made a motion to authorize the attorney to draft a conditional resolution of approval. Ms. Welles seconded the motion with all voting in favor and no further discussion.

Ms. Torre asked Mr. Weitz if the maintenance barn was going to be white. Mr. Weitz responded the facilities building will be vertical barn siding to be painted red. The applicant had submitted a rendering of this in October 2023. SHPO will be part of the design process of the exterior of that building. Ms. Torre asked if SHPO's approval was required. Mr. Weitz said the Preserve has a conservation easement on the parcel currently and some of the stipulations are duplicative of that conservation easement, but that does require consultation with any changes to the landscape. The language is that we would continue to consult with SHPO on barn one and the maintenance building. It does not require an approval. Ms. Torre asked Mr. Weitz to make clear what the design is in the renderings. Mr. Weitz agreed to modify the rendering and resubmit it.

#### SITE PLAN

PB23-469 HAZA BELL NE, LLC

Location: 238 Main Street

Zoning District: B-2

Applicant: Haza Bell of Northeast, LLC

SBL: 86.12-1-48.100

The applicant's representatives appearing before the board included Matthew Ingber, Esq., and James Thaon, a civil engineer from Bohler Engineering. Mr. Ingber went over some of the updates made to the proposal, including an access on the main road was approved by NYS Department of Transportation, and the applicant are going to retain the full movement access point on Main Street.

The Deputy-Chair noted there was a 40-foot conex box sitting on the site without a permit or site plan approval to allow them to put that there.

Mr. Willingham went over his review of the proposed site plan. The applicant's submission of a copy of a sign variance granted by the ZBA in 1987 to Burger King, which is located on the same parcel as the proposed development, does not pertain to their project. The applicant's proposed signage will require variances from the town's ZBA due to quantity and size. Additional landscaping in the lawn area south of the building is required. Existing trees that will remain need to be added to the drawings. The type of repellent protection for the arborvitaes should be included. The applicant should consider an alternative to their selection of boxwood shrubs. Mr. Willingham suggested a more appealing graphic be used on the 26-foot wide gates in front of the proposed dumpster. The applicant needs to correct their submitted EAF. NYSDOT is requiring a land donation along Main Street dedicated as a sidewalk area to the DOT right-of-way, new sidewalk and curb ramps along Main Street, and a trenchless sewer connection under Main Street. All of these requirements need to be added to the full Site Plan set. All future site plans must include all items required under §140-52 (B) or a waiver request must be provided.

Carlito Holt of DTS Provident reviewed the applicant's traffic engineer's response to his initial review from January. The applicant addressed the majority of his comments in their submission for this meeting. The two items he considers outstanding and possibly one might have been buttoned-up if the applicant received the conceptual approval from the DOT. Typically there are two types of new trips a fast food restaurant generates in and out of the driveway. There's new trips that are turning from Main Street into the driveway and out of the driveway that were already traveling along Main Street known as pass-by trips. Fast food restaurants have a high pass-by trip rate and that's data published by the Institute of Transportation (ITE) engineers and in his opinion, the applicant did the pass-by rate calculations correctly. New York State DOT typically only allows up to a 25% pass-by rate where this type of use would generate close to a 50% pass-by rate. If DOT is blessing the higher pass-by rate, Mr. Holt doesn't take exception to that, and he finds that's appropriate in the standard traffic engineering methodology, but he wants to raise a red flag on that as it could potentially be a comment from DOT in their highway work permitting process.

The second item really pertains to the existing traffic volumes generated by the existing Burger King restaurant which are substantially lower than ITE trip estimates would be for that size fast food facility. So our latest memo recommends that there should be a sensitivity analysis conducted, if that Burger King or a future restaurant that may replace it without additional permitting from the DOT and/or the town potentially, could generate at closer to the ITE rates, the board should be considering that because there is an older Burger King restaurant which aren't as attracted to going to and if they reinvigorated that Burger King restaurant or replaced it with a KFC or something like that, you could see the trip rates increase back up to what the ITE levels are so he is recommending that the applicant do a sensitivity analysis with those volumes in it. Mr. Holt asked the applicant to provide whatever correspondence they got from DOT and maybe they can clarify whether they made a formal part one submittal and that's what they signed off on. There's a three-step process typically at the DOT, you submit a part one which provides your conceptual driveway layout and your traffic study and DOT says okay the traffic study looks good, there's no off-site impacts, your driveway can operate acceptably, now give the detailed design drawings, which is really the part two submittal. Then when they iron out all

the details of that part two submission, then you're okay to submit your bonding and get your contractor approved that's going to be performing the work in the right of way.

Mr. Ingber responded that in terms of the DOT submittal, the DOT did review the Stonefield engineering traffic impact study and the pass-by rate that was used by Stonefield was accepted. In terms of the submissions, yes, the stage one was submitted, that's where they did review the traffic impact study and his Stonefield Engineering will be making the stage two submission shortly. They will provide the written correspondence as well. Mr. Ingber acknowledged they will do the sensitivity analysis as well.

Ms. Torre asked Mr. Ingber if anything has been discovered with the title company to see about a potential easement for the connection with the shopping center. Documentation exists from the 1980s when Burger King was approved, that any future development of the site would require that connection. Mr. Thaon said that based on their title review there is no existing easement in place for the use of that, however there's no intention by the applicant to change that and can benefit the use and it was part of that original approval so it will remain in place as part of its application.

The Chair addressed Mr. Thaon, that the board has something that there would be a connection. Mr. Thaon responded that there is and there is a connection today, I could show you on the drawings. Ms Schanberg said it's the easiest way to get out of there, to go through into the Walgreens, to use the easement into the next door property and then to use the left turn lane because you have to go across two lanes, rather than using the Burger King exit. The Burger King exit allows for both left and right turn, the left turn is easier from the other property, so the easement is important.

Ms. Torre said the condition was that no further development of site would be permitted unless traffic flow patterns were modified to utilize the adjoining plaza and pass through a signalized intersection. Ms. Torre said she would send this language to Mr. Holt as well to get his input on that whether things have changed. Mr. DiDonna said there is no legal easement but they're not going to mess with what's there. The Chair said there's something in place that says there needs to be a signal. We have to get rid of that or figure out what the next step is – it has to be addressed. Mr. Thaon said he would have to evaluate what that is because there was a two-story building on this property previously, so I don't know how that coincided with that 1987 approval. We did take into account that prior two-story development on this site from a trip generation perspective to be more conservative but as far as any further development, it may been considering that existing building there. But the applicants are not changing the current configuration as it relates to the ability to access that Walgreens site as part of its development.

The Deputy-Chair said any further development need to go through that property to a signalized intersection and there is no signalized intersection. The Chair stated that she doesn't know if the planning board can change that – maybe the town board can change that rule. Ms. Torre said this is the condition of a prior approval for Burger King, made by the planning board at that time. Mr. Thaon confirmed to the board that there was nothing proposed for the back portion of the property. They will look into the previous resolution for the signal piece and it is of note that the DOT is reviewing the application as it stands and the related trip network. So it's two separate issues as it relates to the functionality of the driveway from a DOT perspective they've opened

that it does work as designed. It doesn't negate the issue that is raised on what was an illegal document previously so they can look at that. Ms. Torre said the applicant's traffic consultant should weigh in on the pass through if the condition of the approval is no longer warranted and whether the reasoning for having that in place is still applicable.

Ms. Torre also advised the applicant to identify the ZBA in item 2 and to add a summary in question 20 in the EAF. Once the revised EAF is received, the Intent to Declare Lead Agency will be circulated.

Mr. DiDonna asked the planning board attorney to forward the previous resolution made by the town's planning board in 1987 to all board members. Mr. Carlito also asked for a copy.

Mr. Sutherland, the board's architect, said there is a huge difference between the first and current submission. The exterior material is brick, but the colors still need to be talked about. The brick is an improvement over the clapboard. There is a cornice on the building. The window pattern change from horizontal to vertical orientation is an improvement. One improvement is to get away from the mural aspect, the large blank area that is currently black brick seems a little broad. Mr. Sutherland suggested transom windows above the vertical windows and some kind of patter to break up the visual field.

The Chair and Ms. Schanberg expressed concerns about the black building color, and that it needed to be softened. Mr. Sutherland thought it would be better to find a naturally colored brick instead of painted brick. The applicant asked about a grey or charcoal color and Ms. Schanberg agreed it might work. Mr. Sutherland noted the tan frieze board is a very broad band and suggested one-third/two-third, or a thin element of molding just to break up the band.

Ms. Torre reminded the applicant she needed the filing receipt for the deed.

## **Adjourn**

The Deputy-Chair moved a motion to adjourn and voted in favor.

Submitted by Kristine Tabasko

NOTE: A full viewing of the March 11, 2024 Planning Board meeting can be found at:  
[https://www.youtube.com/watch?v=mYaPCNa29\\_0](https://www.youtube.com/watch?v=mYaPCNa29_0)



TOWN OF NEW PALTZ PLANNING BOARD  
APPLICATION REVIEW / DECISION DOCUMENT "TRACKING SHEET"

Meeting Date: 3/11/24

Applicant: Deedwanifa  
Property Address: 203 S. Phoenix Rd  
Proposal: Subdivision

REFERRAL(S): ☐ ZBA ☐ EnCC ☐ HPC ☐ Water/Sewer ☐ Highway ☐ TN BD ☐ County ☐

SEQR: ☐ Type I ☐ Unlisted ☐ Type II  
☐ Lead Agency ☐ None Designated  
☐ Short EAF ☐ Long EAF  
☐ Negative Declaration ☐ Positive Declaration

PUBLIC HEARING DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ CONTINUED TO: \_\_\_\_\_

ISSUES TO BE CLARIFIED: ...  
- Set up taxable district (stormwater)  
- Cluster Plan needs to include narrative  
- Verify DEC regulated land  
- Town Highway Dept provide Specs for town rd & intersections  
- EAF needs updates  
- impact to archeologically sensitive area? -- submit to NYS Parks  
- subdiv. code added to plan is written waiver to Planning Board

ADDITIONAL INFORMATION REQUIRED: \_\_\_\_\_

2 involved all other agencies in EAF  
30 acreage - include adjacent parcel

DECISION: ☐ Approved ☐ Approved w/ conditions ☐ Denied ☐ Incomplete

Special Conditions: \_\_\_\_\_

Signatures: [Signature] Planning Board Chair  
[Signature] Applicant  
\_\_\_\_\_  
Planning Board Contact





TOWN OF NEW PALTZ PLANNING BOARD  
APPLICATION REVIEW / DECISION DOCUMENT "TRACKING SHEET"

Meeting Date: 3/11/24

Applicant: Haza Bell NE, LLC  
Property Address: 238 Main Street  
Proposal: \_\_\_\_\_

REFERRAL(S): ☐ ZBA ☐ EnCC ☐ HPC ☐ Water/Sewer ☐ Highway ☐ TN BD ☐ County ☐

SEQR: ☐ Type I ☐ Unlisted ☐ Type II  
☐ Lead Agency \_\_\_\_\_ ☐ None Designated  
☐ Short EAF ☐ Long EAF  
☐ Negative Declaration ☐ Positive Declaration

PUBLIC HEARING DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ CONTINUED TO: \_\_\_\_\_

ISSUES TO BE CLARIFIED:  
- Conex box to be removed from parking lot  
- revised sign plan  
- sign size - up to 3' x 4' for variances  
- landscape behind dumpster addressed & tree/drive aisle  
- other landscape suggestions from William Engin  
- EAF edited (Items to be checked) 8a, 8b, 8c all checked  
submit "question 2, identify ZBA" "yes"  
" " "20 summarized to submit"

ADDITIONAL INFORMATION REQUIRED: Deed - update  
- sensitivity analysis - provide  
- provide DAT correspondence - included in next  
- Resolution - easement language needs to be addressed  
"many further devel. needs" signalized in  
Design Suggestions a mullion break at top ill of side window  
- lighter color or black border area, maybe change depths  
- thin molding to breaker large band (trim) at top

DECISION: ☐ Approved ☐ Approved w/ conditions ☐ Denied ☐ Incomplete

Special Conditions: \_\_\_\_\_

Signatures: [Signature] [Signature] \_\_\_\_\_  
Planning Board Chair Applicant Planning Board Contact